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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,719	03/07/2000	Hamid Noorbakhsh	4150	8956

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APPLIED MATERIALS, INC.  
2881 SCOTT BLVD. M/S 2061  
SANTA CLARA, CA 95050

EXAMINER
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ALEJANDRO MULERO, LUZ L.

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action

Application No.

09/519,719

Applicant(s)

NOORBAKSH ET AL.

Examiner

Luz L. Alejandro

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## PERIOD FOR REPLY (check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 11-24, 26-28, 37, 38, 40, 42 and 47-58.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

  
Luz L. Alejandro  
Primary Examiner  
Art Unit: 1763

Continuation of 2. NOTE: the amendment to claim 53, for example, raises new issues requiring further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the combination of Pu et al. with Masuda et al. is improper because the combination of references fail to teach a chamber liner comprising a base substantially covering the bottom of the chamber body, the base having a substantially annular passage formed therein and fluidly isolated from the chamber volume, the base having an inlet and an outlet adapted to circulate a fluid through the passage. Pu et al. is relied upon to show an annular liner having a base substantially covering the bottom of the chamber body, while Masuda et al. is relied upon to show a liner with a passage formed therein and fluidly isolated from the chamber volume, the base having an inlet and an outlet adapted to circulate a fluid through the passage. Note that Masuda et al. discloses that the fluid is circulated through the passage, which clearly implies that the fluid is both put into the passage and taken out from the passage. Furthermore, clearly this would be necessary for proper temperature control. For at least these reasons, the rejection is maintained.

Regarding claim 51, note that Pu et al. in fig. 1 discloses a chamber liner disposed against a vertical portion of a substrate support. Masuda et al. is relied upon to show the passage formed in the chamber liner as disclosed in claim 51. With respect to rejections involving the Reimold et al. reference, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Concerning claims 19, 54, and 58-58, applicant argues that the references fail to show or render obvious the limitation of "a magnet disposed in the inner wall". The examiner respectfully submits that a broad reasonable interpretation of the meaning of "inner wall" is clearly met by the Collins '734 reference. Additionally, regarding applicant's comments that the motivation to combine is improper because of the lack of a pumping port in Pu, for example, the examiner submits that reference number 24 in fig. 1 of Pu et al. appears to be a pumping port.

Applicant's comments regarding the rejection of claims 21-24 and 49-50 using the Shan reference are noted, but since the specific merits of the rejection are not argued, the rejection is maintained for the reasons of record.

With respect to the rejection of claim 42, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Concerning the rejection of claims 11-17, 20-24, 38, 40, 47-51, 53, and 55 using the Shan and Masuda references, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Moreover, Shan et al. is relied upon to show an annular liner having a base substantially covering the bottom of the chamber body, while Masuda et al. is relied upon to show a liner with a passage formed therein and fluidly isolated from the chamber volume, the base having an inlet and an outlet adapted to circulate a fluid through the passage. Note that Masuda et al. discloses that the fluid is circulated through the passage, which clearly implies that the fluid is both put into the passage and taken out from the passage. Furthermore, as broadly stated, Shan et al. discloses a bottom coupled between the outer and inner cylindrical walls. Regarding claim 51 note that Shan et al. discloses a chamber liner disposed against a vertical portion of a substrate support. Masuda et al. is relied upon to show the passage formed in the chamber liner as disclosed in claim 51.

Regarding applicant's arguments of rejections using the Shan et al. and Masuda references in combination with the Reimold et al. reference, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1598 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Reimold et al. is combined with Shan et al. and Masuda because Reimold et al. shows the suitability of using bosses for providing connections, for example, to provide connection for the supply and removal of the heat exchanging medium.

With respect to combining Collins '734 with Shan et al. and Masuda, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1598 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Shan et al. modified by Masuda et al. as to further comprise a magnet disposed in the inner wall of the chamber liner in order to protect the pumping annulus by confining the plasma and therefore enhance the apparatus, for example. Moreover, the examiner respectfully submits that a broad reasonable interpretation of the meaning of "inner wall" is clearly met by the Collins '734 reference.

Furthermore, concerning the rejection of claims involving the Zhao et al. reference, Zhao et al., as broadly interpreted, clearly provides motivation to place nozzles on the aperture structure 44 in fig. 1 of Shan et al..